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09/698,195	10/30/2000	Jan F. Jannink	GIGA-001/01US	6733

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EXAMINER

WANG, JIN CHENG

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/698,195

Applicant(s)

JANNINK, JAN F.

Examiner

Jin-Cheng Wang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajaraman et al. U.S. Pat. No. 6,366,910.

3. Claim 1:

The Rajarama reference teaches a method of information structuring in a data set containing a plurality of items (see the abstract), comprising:

- (a) Ranking (column 1, lines 11-22) related objects based upon relationship strength (e.g., “scoring each classification in the classification hierarchy to indicate the degree to which the classification contains items that *match the search criteria*, i.e., items with affinity relationship, and displaying them in order based on their score”. See column 3, lines 8-30);
- (b) Clustering related objects (e.g., for each of the “shirts” classification, there are “T-shirts”, “casual shirts”, “dress shirts” sub-classifications. See column 3, lines 8-30); and

(c) Computing the number of affinity charts (or relevancy graph) per object (A variable number depending on the differences in the scores of the classifications can be selected. See column 5, lines 52-64).

Claim 2:

The claim 2 encompasses the same scope of invention as that of claim 1 except additional claimed limitation of calculating an affinity value and ordering according to the affinity value. However, the Rajaraman reference further discloses the claimed limitation of calculating a strength/relevancy value and ordering according to the strength/relevancy value (column 3, lines 8-30).

Claim 3:

The claim 3 encompasses the same scope of invention as that of claim 2 except additional claimed limitation of objective measurement. However, the Rajaraman reference further discloses the claimed limitation of the objective measurement (the search criteria of "tv", column 1, lines 23-59, and column 3, lines 8-30).

Claim 4:

The claim 4 encompasses the same scope of invention as that of claim 2 except additional claimed limitation of objective measurement. However, the Rajaraman reference further discloses the claimed limitation of the subjective measurement (the search criteria, column 2, lines 9-23, column 3, lines 8-30 and column 4, lines 3-4).

4. Claim 5:

The Rajaraman reference teaches a method of generating a graphic layout (see the abstract), comprising:

- (a) Selecting a principal node (classification) for said graphical layout (figure 4);
  - (b) Generating at least one affinity chart in connection with said principal node (figure 4);
- and Rank (column 1, lines 11-22, and column 3, lines 8-30).

Claim 6:

The claim 6 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of an affinity curve. However, the Rajaraman reference further discloses the claimed limitation of an affinity curve (figure 4).

Claim 7:

The claim 7 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of a list of related items. However, the Rajaraman reference further discloses the claimed limitation of a list of related items (column 3, lines 8-30).

Claim 8:

The claim 8 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of positioning the selected principal node at a prominent location in said graphical layout. However, the Rajaraman reference further discloses the claimed limitation of positioning the selected principal node at a prominent location in said graphical layout (figure 4).

Claim 9:

The claim 9 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of computing the size of the item. However, the Rajaraman reference

further discloses the claimed limitation of computing the size of the item (A variable number depending on the differences in the scores of the classifications can be selected. See column 5, lines 52-64).

Claim 10:

The claim 10 encompasses the same scope of invention as that of claim 6 except additional claimed limitation of the gradients to suggest item affinity level. However, the Rajaraman reference further discloses the claimed limitation of the gradients to suggest item affinity level (column 4, lines 20-44).

Claim 11:

The claim 11 encompasses the same scope of invention as that of claim 10 except additional claimed limitation of the color gradient. However, the Rajaraman reference further discloses the claimed limitation of the color gradient (column 4, lines 20-44).

Claim 12:

The claim 12 encompasses the same scope of invention as that of claim 10 except additional claimed limitation of the size gradient. However, the Rajaraman reference further discloses the claimed limitation of the size gradient (column 4, lines 20-44).

Claim 13:

The claim 13 encompasses the same scope of invention as that of claim 6 except additional claimed limitation of preventing overlap of related items. However, the Rajaraman reference further discloses the claimed limitation of preventing overlap of related items (figure 4).

Claim 14:

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The Rajaraman reference teaches a method of information linking (column 6, lines 26-63), comprising:

- (a) Hyperlinking related graphs of visualizable large interrelated data sets (column 6, lines 26-63); and
- (b) Navigating between hyperlinked related graphs (column 6, lines 26-63).

5. Claim 15:

The claim 15 encompasses the same scope of invention as that of claims 1, 8 and 13. The claim 15 is subject to the same reasons given in claims 1, 8 and 13.

Claim 16:

The claim 16 encompasses the same scope of invention as that of claim 15 except additional claimed limitation of expressing closeness along shaped segments, emanating from j's position. However, the Rajaraman reference further discloses the claimed limitation of expressing closeness along shaped segments, emanating from j's position (figure 4).

Claim 17:

The claim 17 encompasses the same scope of invention as that of claim 16 except additional claimed limitation of curved segments. However, the Rajaraman reference further discloses the claimed limitation of curved segments (figure 4).

6. Claim 18:

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The claim 18 encompasses the same scope of invention as that of claims 1, 5-8, 11, 13 and 15. The claim 18 is subject to the same reasons given in claims 1, 5-8, 11, 13 and 15.

7. Claim 19:

The claim 19 encompasses the same scope of invention as that of claims 1, 5-8, 11, 13 and 15. The claim 19 is subject to the same reasons given in claims 1, 5-8, 11, 13 and 15.

8. Claim 20:

The claim 20 encompasses the same scope of invention as that of claims 15 and 18. The claim 19 is subject to the same reasons given in claims 15 and 18.

9. Claim 21:

The claim 21 encompasses the same scope of invention as that of claims 1, 5-8, 11, 13 and 15. The claim 21 is subject to the same reasons given in claims 1, 5-8, 11, 13 and 15.

Claim 22:

The claim 22 encompasses the same scope of invention as that of claim 21 except additional claimed limitation of laying out graphs. However, the Rajaraman reference further discloses the claimed limitation of laying out graphs (column 6, lines 26-63).

10. Claim 23:

The claim 23 encompasses the same scope of invention as that of claim 21 except additional claimed limitation of populating a list of related items. However, the Rajaraman reference further discloses the claimed limitation of populating a list of related items (column 6, lines 26-63).

11. Claim 24:



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The claim 24 encompasses the same scope of invention as that of claims 5 and 14 except additional claimed limitation of a chart server. However, the Rajaraman reference further discloses the claimed limitation of a chart server (figure 2, and column 4, lines 55-65).

Other limitations are subject to the same reasons as given in claims 5 and 14.

12. Claim 25:

The claim 25 encompasses the same scope of invention as that of claim 1 except additional claimed limitation of an affinity server. However, the Rajaraman reference further discloses the claimed limitation of an affinity server (figure 2, and column 4, lines 55-65). Other limitations are subject to the same reasons as given in claim 1.

13. Claim 26:

The claim 26 encompasses the same scope of invention as that of claim 15 except additional claimed limitation of a computer readable medium. However, the Rajaraman reference further discloses the claimed limitation of a computer readable medium (column 13, lines 36-67). Other limitations are subject to the same reasons as given in claim 15.

14. Claim 27:

The claim 27 encompasses the same scope of invention as that of claim 15 except additional claimed limitation of a system. However, the Rajaraman reference further discloses the claimed limitation of a system (figure 2, and column 4, lines 55-65). Other limitations are subject to the same reasons as given in claim 15.

***Response to Arguments***

15. Applicant's amendment and arguments filed 05/05/2003, paper number 9, have been fully considered but they are not persuasive.

16. In response to Applicant's arguments, on page 14 of the present amendment, that the reference does not teach or suggest an affinity chart and the affinity chart can be a graphical representation as illustrated in Figures 1 and 2, or a list of items, each having a navigational link and a search link, it is noted that the detailed description of the affinity chart upon which Applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Specifically, Applicant has not particularly pointed out how the claim language is supported by those portions of the specification, i.e. page 4, lines 17-24; page 5, lines 1-23; page 6, lines 1-2. Furthermore, Applicant has not distinctly defined the affinity chart and particularly pointed out which affinity chart, i.e. specific claimed limitations, of the present invention that has been claimed in the claim language because Figures 1 and 2 described two charts.

17. Applicant argues in essence with respect to claim 15 and similar claims that:

“Applicants respectfully point out that independent claim 15 more specifically recites the relationships to each other of the subsets, as well as the relationships between the items”

This is not found persuasive for the following reasons:

In column 9, lines 10-20 and column 10, lines 30-45; it is stated “The score provides an indication of how closely the terms of the entry matches the search criteria” and “for example, if each child score is approximately the same, then the assigned score could be higher than any

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scores of the child classifications, because the parent classification contains many sub-classifications of a certain score”, Rajaraman therefore describes the interrelationship between items of sub-classifications.

### *Conclusion*

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

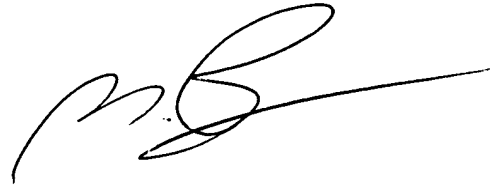
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (703) 605-1213. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 395-3900.

jcw  
July 14, 2003

A handwritten signature in black ink, appearing to read 'MRB', with a long horizontal line extending to the right.

**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**